

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

MICHAEL EDWARD SIMS, Reg. No. 500566,)	
)	
Plaintiff,)	
)	
v.)	No. 05-4284-CV-C-NKL
)	
ZAK RODGERS, et al.,)	
)	
Defendants.)	

ORDER

On January 22, 2008, United States Magistrate Judge William A. Knox recommended dismissing plaintiff's claims. The parties were advised they could file written exceptions to the recommendation, pursuant to 28 U.S.C. § 636(b)(1)(C).

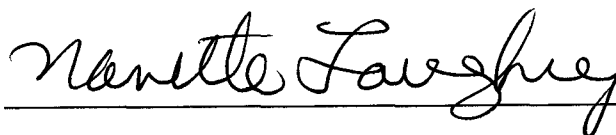
The court has conducted a de novo review of the record¹, including the exceptions filed by plaintiff on February 11, 2008. The issues raised in plaintiff's exceptions were adequately addressed in the report and recommendation. Plaintiff has not come forward with submissible evidence that defendants were deliberately indifferent to his serious medical needs or that he was injured by any alleged delay in treatment. The court is persuaded that the recommendation of the Magistrate Judge is correct and should be adopted.

Inmates who file an appeal with the United States Court of Appeals for the Eighth Circuit are required to pay the full \$455.00 appellate filing fee, regardless of the outcome of the appeal. Henderson v. Norris, 129 F.3d 481, 484 (8th Cir. 1997). The filing of a notice of appeal is considered a consent by the inmate to allow prison officials to deduct an initial partial appellate filing fee and later installments from the prisoner's account.

IT IS, THEREFORE, ORDERED that the Report and Recommendation of January 22, 2008, is adopted. [85] It is further

¹Court proceedings, if any, are recorded by electronic recording equipment and the tapes are available for review by the court and counsel.

ORDERED that defendants' motion for summary judgment is granted and plaintiff's claims are dismissed. [77]

A handwritten signature in cursive script, reading "Nanette Laughrey", written over a horizontal line.

NANETTE K. LAUGHREY
United States District Judge

Dated: 2-21-08
Jefferson City, Missouri